



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

APR 20 2011

Jessica Martini-Lamb
Sonoma County Water Agency
404 Aviation Blvd
Santa Rosa, California 95403

Dear Ms. Martini-Lamb,

Enclosed is an Incidental Harassment Authorization (IHA), issued pursuant to Section 101(a)(5)(D) of the Marine Mammal Protection Act, to take small numbers of marine mammals, by Level B harassment, incidental to the Sonoma County Water Agency's Russian River estuary management activities.

You are required to comply with the conditions contained in the IHA, including all mitigation, monitoring and reporting requirements. In addition, you must cooperate with any federal, state, or local agency monitoring the impacts of your activities. Along with mitigation measures to be incorporated, the IHA requires monitoring for the presence and behavior of marine mammals prior to, during, and after all management events.

If you have any questions concerning the IHA or its requirements, please contact Ben Laws, Office of Protected Resources (NMFS), at 301-713-2289.

Sincerely,

James H. Lecky,
Director, Office of Protected Resources,
National Marine Fisheries Service.

Enclosure



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INCIDENTAL HARASSMENT AUTHORIZATION

The Sonoma County Water Agency (SCWA), 404 Aviation Blvd, Santa Rosa, California 95403, is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1371(a)(5)(D)) and 50 CFR 216.107, to harass marine mammals incidental to conducting estuary management activities in the Russian River, Sonoma County, California.

1. This Incidental Harassment Authorization (IHA) is valid from April 21, 2011 through April 20, 2012.
2. This IHA is valid only for activities associated with estuary management activities (See items 2(a)-(c)) in the Russian River, Sonoma County, California.
 - (a) Lagoon outlet channel management;
 - (b) artificial breaching of barrier beach; and
 - (c) physical and biological monitoring of the beach and estuary as required.
3. General Conditions
 - (a) A copy of this IHA must be in the possession of the SCWA, its designees, and work crew personnel operating under the authority of this IHA.
 - (b) The species authorized for taking are the harbor seal (*Phoca vitulina*), California sea lion (*Zalophus californianus*), and the northern elephant seal (*Mirounga angustirostris*).
 - (c) The taking, by Level B harassment only, is limited to the species listed in condition 3(b) (See Table 1 for take numbers, attached).
 - (d) The taking by Level A harassment, serious injury or death of any of the species listed in item 3(b) of the Authorization or the taking by harassment, injury or death of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this IHA.
 - (e) In the unanticipated event that any cases of pinniped injury, serious injury, or mortality are judged to result from these activities, the holder of this Authorization must immediately cease operations and report the incident, within 48 hours, to the Assistant Regional Administrator (ARA) for Protected Resources, Southwest Region, National Marine Fisheries Service (NMFS), phone (562) 980-



4000 and to the Chief, Permits, Conservation, and Education Division, Office of Protected Resources, NMFS, phone (301) 713-2289.

- (i) In such case, SCWA shall postpone operations until NMFS is able to review the incident and determine whether steps can be taken to avoid further injury or mortality or until such taking can be authorized under regulations promulgated under section 101(a)(5)(A) of the MMPA.
- (f) If SCWA observes a pup that may be abandoned, it shall contact the NMFS stranding response network immediately and also report the incident to NMFS' Southwest Regional Office and NMFS Headquarters within 48 hours. Observers shall not approach or move the pup.

4. Cooperation

The holder of this Authorization is required to cooperate with NMFS and any other federal, state, or local agency authorized to monitor the impacts of the activity on marine mammals.

5. Mitigation Measures

In order to ensure the least practicable impact on the species listed in condition 3(b), the holder of this Authorization is required to implement the following mitigation measures:

- (a) SCWA crews shall cautiously approach the haul-out ahead of heavy equipment to minimize the potential for sudden flushes, which may result in a stampede – a particular concern during pupping season.
- (b) SCWA staff shall avoid walking or driving equipment through the seal haul-out.
- (c) Crews on foot shall make an effort to be seen by seals from a distance, if possible, rather than appearing suddenly at the top of the sandbar, again preventing sudden flushes.
- (d) During breaching events, all monitoring shall be conducted from the overlook on the bluff along Highway 1 adjacent to the haul-out in order to minimize potential for harassment.
- (e) A water level management event may not occur for more than two consecutive days unless flooding threats cannot be controlled.
- (f) Equipment shall be driven slowly on the beach and care will be taken to minimize the number of shut-downs and start-ups when the equipment is on the beach.
- (g) All work shall be completed as efficiently as possible, with the smallest amount of heavy equipment possible, to minimize disturbance of seals at the haul-out.
- (h) Boats operating near river haul-outs during monitoring shall be kept within posted speed limits and driven as far from the haul-outs as safely possible to minimize flushing seals.

In addition, SCWA shall implement the following mitigation measures during pupping season (March 15-June 30):

- (i) SCWA shall maintain a one week no-work period between water level management events (unless flooding is an immediate threat) to allow for an adequate disturbance recovery period. During the no-work period, equipment must be removed from the beach.
- (j) If a pup less than one week old is on the beach where heavy machinery will be used or on the path used to access the work location, the management action shall be delayed until the pup has left the site or the latest day possible to prevent flooding while still maintaining suitable fish rearing habitat. In the event that a pup remains present on the beach in the presence of flood risk, SCWA shall consult with NMFS and CDFG to determine the appropriate course of action. SCWA shall coordinate with the locally established seal monitoring program (Stewards' Seal Watch) to determine if pups less than one week old are on the beach prior to a breaching event.
- (k) Physical and biological monitoring shall not be conducted if a pup less than one week old is present at the monitoring site or on a path to the site.

6. Monitoring

The holder of this Authorization is required to conduct baseline monitoring and shall conduct additional monitoring as required during estuary management activities:

- (a) Baseline monitoring shall be conducted twice-monthly for the term of the IHA. These censuses shall begin at dawn and continue for eight hours, weather permitting; the census days shall be chosen to ensure that monitoring encompasses a low and high tide each in the morning and afternoon. All seals hauled out on the beach shall be counted every thirty minutes from the overlook on the bluff along Highway 1 adjacent to the haul-out using high powered spotting scopes. Observers shall indicate where groups of seals are hauled out on the sandbar and provide a total count for each group. If possible, adults and pups shall be counted separately.
- (b) In addition, peripheral haul-outs shall be visited for ten minute counts twice during each baseline monitoring day.
- (c) During estuary management events, monitoring shall occur on all days that activity is occurring using the same protocols as described for baseline monitoring, with the difference that monitoring shall begin at least one hour prior to the crew and equipment accessing the beach work area and continue through the duration of the event, until at least one hour after the crew and equipment leave the beach. In addition, a one-day pre-event survey of the area shall be made within one to three days of the event and a one-day post-event survey shall be made after the event, weather permitting.
- (d) Monitoring of peripheral haul-outs shall occur concurrently with event monitoring, when possible.

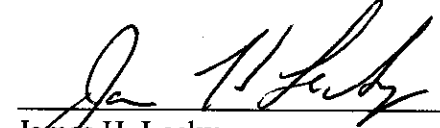
- (e) For all monitoring, the following information shall be recorded in thirty minute intervals:
- i. pinniped counts, by species;
 - ii. behavior;
 - iii. time, source and duration of any disturbance, with takes incidental to SCWA actions recorded only for responses involving movement away from the disturbance or responses of greater intensity (e.g., not for alerts);
 - iv. estimated distances between source of disturbance and pinnipeds;
 - v. weather conditions (e.g., temperature, percent cloud cover, and wind speed); and
 - vi. tide levels and estuary water surface elevation.
- (f) All monitoring during pupping season shall include records of any neonate pup observations. SCWA shall coordinate with the Seal Watch monitoring program to determine if pups less than one week old are on the beach prior to a water level management event.

7. Reporting

The holder of this Authorization is required to:

- (a) Submit a report on all activities and marine mammal monitoring results to the Office of Protected Resources, NMFS, and the Southwest Regional Administrator, NMFS, 90 days prior to the expiration of the IHA if a renewal is sought, or within 90 days of the expiration of the permit otherwise. This report must contain the following information:
- (i) the number of seals taken, by species and age class (if possible);
 - (ii) behavior prior to and during water level management events;
 - (iii) start and end time of activity;
 - (iv) estimated distances between source and seals when disturbance occurs;
 - (v) weather conditions (e.g., temperature, wind, etc.);
 - (vi) haul-out reoccupation time of any seals based on post activity monitoring;
 - (vii) tide levels and estuary water surface elevation;
 - (viii) seal census from bi-monthly and nearby haul-out monitoring; and
 - (ix) specific conclusions that may be drawn from the data in relation to the four questions of interest in SCWA's Pinniped Monitoring Plan, if possible.

8. Validity of this Authorization is contingent upon compliance with all applicable statutes and permits, including NMFS' 2008 Biological Opinion for water management in the Russian River watershed. This Authorization may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein, or if the authorized taking is having a more than a negligible impact on the species or stock of affected marine mammals.



James H. Lecky,
Director, Office of Protected Resources,
National Marine Fisheries Service.

APR 20 2011

Date

Table 1. Authorized Take Numbers for Each Species

Species	Authorized Take
Harbor seal (<i>Phoca vitulina</i>)	2,735
California sea lion (<i>Zalophus californianus</i>)	19
Northern elephant seal (<i>Mirounga angustirostris</i>)	15